



UNITED STATES DEPARTMENT OF COMMERCE

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APP	APPLICATION NO. FILING DATE		F	IRST NAMED INVENTOR	ATTORNEY DOCKET NO.		
	09/	699,398	10/31/00	LYNN		L	1131-62
_	NIXON & VANDERHYE PC 1100 NORTH GLEBE ROAD 8TH FLOOR			QM22/0730	EXAMINER		
					ART UNIT		R NUMBER
			22201-4000		DATE MAILED:	3763	
					DATE MAILED:		07/30/

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

		Appli	Application No. Applicant(s)							
•	Office Action Summary		9,398	LYNN, LAWI	RENCE A.					
	•	Exam	iner	Art Unit						
		Cris l	Rodriguez	3763						
Period fo	- The MAILING DATE of this communic or Reply	ation appears on	the cover sheet w	ith the correspondenc	e address					
THE - Exte after - If the - If NC - Failt - Any	ORTENED STATUTORY PERIOD FOR MAILING DATE OF THIS COMMUNI Insions of time may be available under the provisions SIX (6) MONTHS from the mailing date of this common period for reply specified above is less than thirty (30) period for reply is specified above, the maximum stature to reply within the set or extended period for reply reply received by the Office later than three months are dipatent term adjustment. See 37 CFR 1.704(b).	CATION. of 37 CFR 1.136 (a). In unication. b) days, a reply within the tutory period will apply a will, by statute, cause the	no event, however, may e statutory minimum of th nd will expire SIX (6) MG e application to become	a reply be timely filed nirty (30) days will be considere DNTHS from the mailing date of ABANDONED (35 U.S.C. § 13	f this communication.					
1)⊠	Responsive to communication(s) fil	ed on <u>31 October</u>	· <u>2000</u> .							
2a) <u></u> □	This action is FINAL.	2b)⊠ This actio	n is non-final.							
3)□	,—									
Disposit	ion of Claims									
4)⊠	Claim(s) 24-28 is/are pending in the	application.	•							
	4a) Of the above claim(s) is/are withdrawn from consideration.									
5)	5) Claim(s) is/are allowed.									
6) 🛛	6)⊠ Claim(s) <u>24-28</u> is/are rejected.									
•	7) Claim(s) is/are objected to.									
	Claims are subject to restrict	ion and/or election	n requirement.							
Applicati	ion Papers									
9)	The specification is objected to by th	e Examiner.								
10)	10) The drawing(s) filed on is/are objected to by the Examiner.									
11) The proposed drawing correction filed on is: a) approved b) disapproved.										
	12) The oath or declaration is objected to by the Examiner.									
Priority (ınder 35 U.S.C. § 119									
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).										
a) All b) Some * c) None of:										
7.	1. Certified copies of the priority	documents have	been received.							
	2. Certified copies of the priority			Application No.						
	3. Copies of the certified copies of the priority documents have been received in this National Stage									
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.										
14)	Acknowledgement is made of a clain	n for domestic pri	ority under 35 U.	S.C. § 119(e).						
Attachmen	t(s)									
	ice of References Cited (PTO-892)		18) 🗍 intervie	ew Summary (PTO-413) Pa	per No(s)					
16) 🔲 Not	ice of Draftsperson's Patent Drawing Review (I rmation Disclosure Statement(s) (PTO-1449) F			of Informal Patent Applicat	• • • •					

Application/Control Number: 09/699,398

Art Unit: 3763

DETAILED ACTION

Specification

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

- (a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.
- (b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.
- (c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

The specification is objected to under 37 CFR 1.71 because the specification, as originally filed, does not provide support for the invention as now claimed. The specification does not have support for "a space adjacent said piston" as set forth in claim 24.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 24-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 24 is indefinite because the scope of the claimed subject matter is unclear due to inconsistencies between the language of the claim preamble and certain portions of the body of the claim. The preamble of claim 24 sets forth the subcombination a medical valve. However, line 4 of the claim recites for a male luer which sets forth a positive relationship between the valve and the male luer, and thus the claim appears to claim the combination of the valve and the male luer. Applicant needs to amend the language of the claim to be consistent either as a combination or subcombination claim.

4. Claim 24 is rejected under 35 U.S.C. 112, first paragraph for the reasons set forth above.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 6. Claims 24-28 are rejected under 35 U.S.C. 102(b) as being anticipated by McElveen, Jr. et al (US 5,163,922).

McElveen discloses a connector having a valve (as claimed) with a male luer at 50, a housing 12 having a proximal portion 16 and a distal portion 20, an elastomeric septum piston 26 having a valve seat 30, and a space 54 adjacent the piston. The space is being expressed by the valve seat upon proximal movement of the piston.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cris L. Rodriguez whose telephone number is (703) 308-2194. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Seidel can be reached on (703) 308-5115. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

Cris L. Rodriguez

July 5, 2001

RICHARD K. SEIDEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700